

# JACOBI, KAPPEL & CASP

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ert Kappel •  
S. Case

TO: YAWORSKI

FROM: 11.9

OTHER: 482592

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October 27, 1994

Lloyd Selbst, Esquire  
Assistant Regional Counsel  
U.S. Environmental Protection Agency  
Region 1  
J.F. Kennedy Federal Building  
Boston, Massachusetts 02203-2211

**RE: Acceptance of Yaworski Lagoon Superfund Site  
De minimis Settlement Offer**

Dear Lloyd:

On behalf of Ross & Roberts, Inc., I wish to thank you and other representatives of the United States Environmental Protection Agency, Justice Department, Connecticut Department of Environmental Protection and the Attorney General's Office for meeting with us on Tuesday, October 25, 1994, and for your efforts in developing the settlement offer set forth in your October 18, 1994 letter to Ross & Roberts.

Ross & Roberts accepts your offer of a de minimis settlement, based on a final cash-out with no reopeners and its payment of \$20,164.00. We understand that you will prepare a formal Consent Decree for final execution by Ross & Roberts and the appropriate governmental agencies as quickly as possible (hopefully, within two (2) weeks), after which it will be promptly filed in the U.S. District Court for Connecticut along with the other necessary pleadings.

As discussed at our meeting, Ross & Roberts believes that the overall calculation of estimated remedial costs is a significant overstatement of the likely costs, further exaggerated by the application of the excessive premiums and compensation for "uncertainties". Nevertheless, Ross & Roberts is accepting your offer in the interests of attaining finality and reducing transaction costs.

Lloyd Selbst, Esq.  
October 27, 1994  
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RE: Yaworski Lagoon

Ross & Roberts is not challenging its volumetric contribution to the Site. We know that some of the other de minimis parties have raised such questions. It is our understanding that such negotiations will not deter EPA from proceeding expeditiously with settlement with those parties who are ready to settle at this time.

We look forward to working with you to prepare and file the appropriate legal documents over the next several weeks. Again, we thank you for your efforts in helping to resolve this matter.

Sincerely,



Paul Jacobi  
Counsel for Ross & Roberts, Inc.

PJ:cam